

# **CITY OF EL PASO**

## **DEPARTMENT OF ARTS AND CULTURE**

Two Civic Center Plaza, 6<sup>th</sup> Floor  
El Paso, Texas 79901  
Phone: (915) 541-4481  
Fax: (915)-541-4902  
TDD: (915)-541-4356  
[www.artsresources.org](http://www.artsresources.org)

## **FUNDING PROGRAMS GUIDELINES**

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City of El Paso Department of Arts and Culture  
El Paso, Texas 79901

**17<sup>th</sup> Revision – Approved by City Council, June 18, 2002**

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## **I ABOUT THE DEPARTMENT OF ARTS AND CULTURE (DAC)**

- A. Created in 1978** by the Mayor and City Council of El Paso, by Ordinance Number 6163.
- B. Mission Statement:** The mission of the City of El Paso, Department of Arts and Culture is to present the arts to the people of El Paso by supporting and presenting performing, literary and visual arts events as well as arts in education programs in accessible sites within the City limits.
- C. Located in City Hall,** the Department of Arts and Culture has a small staff of full-time and part-time employees who fulfill the Department's mission, with the assistance of a nineteen-member Advisory Board.
- \* D. The DAC Advisory Board** is composed of nineteen local citizens appointed to the Board by the Mayor and the City Council. The Mayor nominates three members from the City at large and each Council-member nominates two Board members from his or her district. Each Board member serves a three-year term. Terms are staggered so that five positions are replaced every year; however, any member may be re-appointed for an additional term. Any citizen may be appointed to the Advisory Board provided he or she has an interest, knowledge of, or experience in the performing, visual, film or literary arts. However, to avoid possible conflicts of interest in administering the mission or funds of the DAC, a nominee for appointment to the Board shall not be an Officer or Board Member of any local organization that is eligible for DAC funding.
- E. City of El Paso Fiscal Year: September 1 through August 31.**
- \* F. Funding workshops:** Held annually, between September and October, (**Attendance Required for NEW applicants**). Application forms, information by phone or appointment available year-round.
- G. Application deadline: Nov. 1, 2002 5:00 p.m. for Fiscal Year 2004. (Funds are awarded after the City budget is approved in September.)**

### **Example**

<b><u>Application Deadline</u></b>	<b><u>Project Occurring Between</u></b>
<b>Nov. 1, 2001 (16<sup>th</sup> Revision 2001)</b>	<b><u>September 1, 2002 to August 31, 2003</u></b> <b>FY 2003</b>
<b>Nov. 1, 2002 (17<sup>th</sup> Revision, 2002)</b>	<b><u>September 1, 2003 to August 31, 2004</u></b> <b>FY 2004</b>
<b>Nov. 1, 2003 (17<sup>th</sup> Revision, 2002)</b>	<b><u>September 1, 2004 to August 31, 2005</u></b> <b>FY 2005</b>

## **II FUNDING SOURCES AND CATEGORIES**

**A. FUNDING SOURCES** - The Department of Arts and Culture administers funds from two sources:

1. **City funds** allocated to the DAC from the Municipal Hotel/Motel Occupancy Tax.
2. **State funds** allocated to the City of El Paso on a per capita basis by the Texas Commission on the Arts (TCA) through the Decentralization/Advancement and Services Program.
  - Organizations not eligible to apply for City funds **may** apply to DAC for TCA/State funds.
  - Organizations may also apply **directly** to the TCA for certain types of funding.
  - For more information visit TCA net on the World Wide Web at:

[<http://www.arts.state.tx.us>](http://www.arts.state.tx.us)

Write or call Texas Commission on the Arts at:

P.O. Box 13406

Austin, TX 78711-3406

1 - 800 - 252 - 9415 (message line only)

1 - 512 - 463 - 5535

**B. FUNDING CATEGORIES** - The DAC Funding Program offers two Project Support Categories and the TCA Funding Program offers Project Support only. **All projects must take place during the 12-month period of the City's Fiscal year (September 1 to August 31).**

1. **DAC Category I** - Eligible major arts/cultural organizations with annual revenues of **more** than \$200,000 may apply for funding to assist in planned development. Planned development may be new, expanded or improved programs and/or services.
2. **DAC Category II** - Eligible organizations with annual revenues of **less** than \$200,000 may apply for funding to assist with community-based arts/cultural projects.
3. **DAC Umbrella Projects** - Organizations and/or individuals without the required non-profit status may apply for project support under an eligible umbrella organization.
4. **TCA Project Support** - Eligible organizations of any size may apply for funding to assist with projects/seasons. Requirements are the same as those for Category II.

### **III APPLICATION DEADLINE**

- \* **A. NOVEMBER 1, each year, by 5:00 p.m.** is the application deadline for both the DAC Funding Program and the TCA Funding Program. Applications are received once a year and **must** be for support during the City's **next** fiscal year (September 1 to August 31).
- B.** Applications must be received **in the DAC offices** on or before the day of the deadline. This is **not a postmark deadline**. If the deadline falls on a weekend or holiday, the deadline will be 5:00 p.m. the next regular business day.
- \* **C.** Applications will **NOT** be accepted after **5:00 pm November 1**.
- D.** Applications must be original, complete, typed, and legible or they will not be accepted.

### **IV GENERAL ELIGIBILITY REQUIREMENTS**

*All applicants **must** meet the following requirements*

- \* **A. All NEW applicants must attend a DAC Funding Workshop** (held between September and October) or an individual consultation with DAC staff, prior to the application deadline. This is **required** for new applicants or organizations that have new staff/volunteers who prepare the grant applications and reports.
- B.** Demonstrate non-profit, 501(c)(3), or equivalent, tax-exempt status as identified by the Internal Revenue Service (IRS Letter of Determination) or is an entity of government.
- C.** Demonstrate sound artistic direction
- D.** Demonstrate sound administrative and fiscal management
- \* **E.** Comply with all applicable State and Federal statutes and regulations including, but not limited, to the following:
  - 1. Title VI of the Civil Rights Act of 1964** (42 U.S.C. §§ 2000d et seq.)  
Prohibits discrimination on the grounds of race, color or national origin.
  - 2. Title IX of the Education Amendments of 1972** (20 U.S.C. §§ 1681 et seq.)  
Prohibits discrimination on the basis of sex. No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Furthermore, all recipients of Federal funds must comply with the following:
  - 3. Age Discrimination Act of 1975** (42 U.S.C. §§ 6101 et seq.)  
Prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

**4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 794)**

Provides that no otherwise qualified handicapped individual in the United States shall solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**5. Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12101-12213)**

Prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), and places of public accommodation and commercial facilities (Title III).

**6. Drug Free Workplace Act of 1988 (41 U.S.C. §§ 702)**

Funding recipients must certify they will provide a drug free workplace.

**\* 7. Texas Assumed Business or Professional Name Act (V.T.C.A. Bus. & Com. Code §§ 36.01, et seq.)**

Applicant, which is not a corporation or other form of business registered with the Office of the Secretary of State of Texas, should comply with the requirements to file an assumed business or professional name certificate with the County Clerk.

Applicant, which is a corporation or other form of business registered with the Office of the Secretary of State of Texas, should comply with applicable registration requirements. A copy of the Assumed Name Certificate or registration with the Secretary of State, as the case may be, should be provided with the application to the DAC office.

**\*F. Comply with all applicable Local ordinances and regulations including, but not limited, to the following:**

**1. City of El Paso Ordinance #9779 C. 1.**

Provides that no qualified person shall, on the basis of disability, be excluded from participation in or be denied the benefits of any program or activity receiving financial assistance from or operated by the City of El Paso, or be subjected to discrimination with respect to employment by Grantees of the City of El Paso's financial assistance programs.

**\* 2. City of El Paso Ordinance #8790, as amended (Chapter 5.24 of El Paso Municipal Code)**

Provides that organizations soliciting money or property for charitable, educational, patriotic or philanthropic purposes must obtain a charitable solicitations permit.

**G. As required by the Texas Commission on the Arts, applicants must also comply with the following:**

**1. Equity Plan**

Following the close of the 72<sup>nd</sup> Legislature, the Commission developed operating principles to ensure equity in the allocation of financial assistance and services. As a part of the establishment of the Texas Cultural Endowment Fund and as codified in the Commission's amended enabling legislation, the Commission is mandated to "adopt equitable procedures for the distribution of grants to recipients who reflect the geographical, cultural and ethnic diversity of the state's population." (V.T.C.A.

Government Code Section 444.024)

**2. Obscenity Clause**

Section 444.021(b) of the Texas Government Code prohibits the Commission and its grantees from knowingly fostering, encouraging, promoting or funding any project, production, workshop and/or program which includes obscene material as defined in Section 43.21, Penal Code of Texas.

**3. Section 5 (m) and Section 7 (g) of the National Foundation on the Arts and Humanities Act of 1965.** (20 U.S.C. §§ 954, 956)

Labor standards binding promise that “(1) all professional performers and related or supporting professional personnel...employed on projects...will be paid...not less than the prevailing minimum compensation for persons employed on similar activities; and (2) no part of any product or production...will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employee...”

## **V. ACCESSIBILITY**



- \* **A. Compliance with the Americans With Disabilities Act of 1990 (ADA) and City Ordinance #9779** requires all sites - *including office (if open to the public), rehearsal, and performance locations* - used by funding recipients be accessible to individuals with disabilities. The City department charged with determining compliance of all sites, used by organizations receiving financial assistance from the city, is the **Community and Human Development Department, Office of Accessibility**.

The Office of Accessibility determines the status of each site as one of the following:

- 1. Compliance** - Site has been reviewed and found to be in compliance; therefore, the applicant is eligible to contract with the City. Site must remain accessible to maintain status.
- 2. Conditional Compliance** - Site has been reviewed and found to have possible barriers, affecting accessibility. *The applicant is demonstrating good faith* by cooperating with the City's Office of Accessibility to remove all barriers by an agreed-upon time; therefore, the applicant is to contract with the City on the condition that all issues of accessibility are addressed to the satisfaction of the Office of Accessibility. Failure to comply could result in ineligibility or loss of funding.
- \*3. Non-Compliance** - Site has been reviewed and found to have possible barriers affecting accessibility. *Applicant is NOT demonstrating good faith*, nor cooperating with the City's Office of Accessibility; therefore, the applicant is **NOT** eligible to contract with the City. If a site is found to be Non - Compliant, the applicant may change locations or in the case of major structural changes, an extension for a reasonable amount of time to correct may be requested.

- B. Accessibility Paperwork** - Applications for DAC/TCA funding must include one original (1) and two (2) copies of the following accessibility paperwork that is **included** in the Direct Funding Application Package:

**Accessibility Attachment Form(s)**

1. **Site List/Assurance of Accessibility** - Provides exact physical addresses for all sites to be used by the applicant to allow for site review by the City's Office of Accessibility. States the applicant's intent to comply with Ordinance #9779.
- \* 2. **Self-Evaluation Form** - Provides detailed information about site(s). A self-evaluation form **for each site** must be submitted. If a site has been modified, or if a Self-Evaluation has not been performed on the site, the applicant must complete and submit a current form.
3. **Transition Plan** (if applicable) - If the Office of Accessibility has found a site to be in Conditional or Non-Compliance, the applicant must also submit a copy of the Transition Plan which is a written statement between the location's owners or occupants and the City detailing required changes to the site within a given time frame.

The DAC forwards the originals of the above paperwork, to the Office of Accessibility who contact applicants directly with questions or concerns, performs site reviews and establishes the need for a Transition Plans if the site is not in compliance. **The Office of Accessibility rules on each site and notifies DAC before funding is approved.** *This entire process is **repeated** each year in order to guarantee that locations remain accessible.* If you have questions about your specific site(s), please contact the Office of Accessibility directly.

- C. Change of site** - Any time after an application has been accepted by the DAC any change of site requires the approval of the Office of Accessibility for an applicant to remain eligible for funding. The applicant **must** notify the DAC **at least 60 days prior to use of the new site** and repeat the process for determining accessibility status. "Emergencies" will be considered on a case-by-case basis.
- D. Access Accommodations** - Every organization receiving public funding **must** be able to provide accommodations when people with disabilities request services. Accessibility for the project involves both the site and the program content of activities. Costs associated with accessibility may be included as part of this funding request such as; sign language interpreters, rentals of assistive listening systems, services for Braille, etc. Costs for capital improvements or the purchase of permanent equipment **are not** eligible.



## **VI FUNDING RESTRICTIONS**

The City of El Paso, Department of Arts and Culture will **NOT** accept applications to DAC or TCA Funding Programs for the following:

- A. The City of El Paso, Department of Arts and Culture will not fund any organization that is not in compliance with the Americans With Disabilities Act of 1990 and the City Ordinance #9779. This regulation requires that *ALL SITES* including *OFFICE, REHEARSAL AND PERFORMANCE* locations be accessible, or have a written “Transition Plan” if applicable, as certified by the City Accessibility Specialist.**
- \* B. Retroactive funding.** Funding for any project that has already taken place or is in progress before the City’s fiscal year begins (September 1).
- C.** Funding for projects by **individuals**, unless the individual is applying under the umbrella of a non-profit organization.
- D.** Projects involving **college or university** academic credit that will ultimately be used toward a degree.
- E.** Projects at **colleges** and **universities** that primarily **relate to curriculum** and that have minimal or no community involvement.
- F. Capital** construction and/or acquisitions
- G. Social** functions, parties or receptions
- H.** Operating expenses for **privately owned** or **state owned** facilities
- \* I. Travel** or **projects outside** the City limits for DAC funding.
- \* J. Travel** or **projects outside** the State of Texas for TCA funding.
- K. Commercial projects** which are, or can be self-supporting
- L. Broadcast media** organizations
- M. Fundraising** projects or costs
- N. Deficits** from previously completed projects, **unanticipated costs** of ongoing projects or payment of prior **debts**.
- O. Loans, fines, penalties,** cost of **litigation** or associated interest payments
- P. Political** contributions
- Q. Re-granting** programs
- R. Items covered by restrictions** outlined in City of El Paso **contracts**

- S. **Licensing fees** of any kind
- T. **Scholarships, purchase awards, or cash prizes**
- U. **Projects** or organizations whose primary purpose is **not secular** and programs where the **primary effect of funding would be to support a religion.**
- \* V. **More than one** application per organization per fiscal year, for DAC and one for TCA. Educational Institutions may submit only one project **per department/division.**
- \* Took out old “V” from 16<sup>th</sup> Revision
- \* W. **Film, multimedia and video** TCA projects will no longer be accepted by DAC. Organizations must apply directly to the TCA “Media Arts Program.” DAC will continue to fund film projects.

## **VII DAC CATEGORY I and TCA PROJECT SUPPORT**

**CATEGORY I** provides funding for qualified major non-profit arts and cultural organizations, within the City of El Paso, with annual revenues of **more than \$200,000.**

- An organization may submit one project application to the DAC and one to the TCA Funding Programs or both.
- Funds may be used to facilitate the ongoing presentation of high quality events.
- An organization’s **regular season** can be considered a project.

A. **CATEGORY I ELIGIBILITY** - In addition to meeting **all** General Eligibility Requirements, applicants for Category I, **must** have the following:

1. Full - time paid professional management
2. Full or part - time paid professional artistic and/or cultural personnel
3. A regularly scheduled series of performances and/or exhibitions
4. Effective outreach or educational programs
5. Broad community involvement
6. Demonstrated high level of artistic achievement
- \* 7. Independent audit or detailed financial statements (for your previous fiscal year) to submit with the funding application.
8. Three-year history showing financial and program growth

9. Minimum annual operating revenues of \$200,000 cash (**not in-kind**), as detailed in an independent audit and/or detailed financial statement approved by the organization's Board of Directors, for the most recently completed fiscal year.

## **B. CATEGORY / FUNDING LIMITS AND MATCHING FUNDS REQUIREMENTS**

**Category I** applicants **must** provide a minimum **1:1 cash match**. In-kind donations do **NOT** qualify as part of the match.

- \* **Category I** applicants may request a maximum of **\$30,000 from DAC and \$15,000 from TCA (\$45,000 total)**. To request the maximum total of \$45,000 an organization **must** have total cash resources in excess of \$200,000.

## **C. CATEGORY / APPLICATION AND REQUIRED ATTACHMENTS**

- Applications **must** be complete, typed and legible or they will not be accepted. Submit one (1) original and two (2) copies.
- Three year detailed income and three year detailed expense statements
- “**Internal Revenue Service Letter of Determination**” of your 501(c)(3) non-profit, or equivalent, status. (Not applicable to entities of government)
- \* • Copy of your “**Assumed Business or Professional Name**” Certificate, if applicable, or your State of Texas Office of the Secretary of State, “**Certificate of Incorporation.**”
- \* • Copy of your “**Charitable Solicitation Permit**” if applicable
- **Current** list of Staff and Board of Directors with mailing addresses
- Independent audit and/or detailed financial statement for your most recently completed Fiscal Year, **approved** by the organization's Board Chair.
- Twelve-month plan of organizational activity, including clear statements of what will be accomplished; how it will be accomplished and what will be the expected impact (how the community is involved in preparing the plan).
- Submit one (1) original and two (2) copies of the “**Accessibility Attachment**” packet as required by the City of El Paso, Office of Accessibility Community and Human Development Department:

### **Packet Includes:**

1. **Site List**
  2. **A Letter of Assurance**
  3. **Self-Evaluation form for each site**
  4. **Transition Plan (if applicable)**
- **Project Budget Detail** - On a separate attachment (there is no form for this item), income and expense amounts **must** be itemized line-by-line.

- **Optional Attachments** may include letters of support, press clippings, print materials or other information that may enhance the application.

## **VIII DAC CATEGORY II and TCA PROJECT SUPPORT**

**CATEGORY II** provides funding for qualified non-profit arts and cultural organizations, within the City of El Paso, with annual revenues of **less** than \$200,000. Funds may be used to create and produce specific, arts/cultural projects by local organizations and/or individual artists.

- \* Organizations may apply for DAC Category II **and** TCA Project Support for the **identical** season/project.
- \* Organizations may apply for DAC Category II **and** TCA Project Support for **different** projects.

**A. CATEGORY II - ELIGIBILITY** - In addition to meeting all General Eligibility Requirements, applicants for Category II **must** fall into one of the following categories:

1. Professional management with volunteer and/or professional artistic personnel
  - a. Full or part - time paid or volunteer management/administration or artistic personnel
  - b. Primarily volunteer artistic talent supplemented by occasional professional talent
  - c. A regularly scheduled series of performances and /or exhibitions and/or a single, planned cultural event.
  - d. Demonstrated commitment to outreach programs and/or community involvement
  - e. Demonstrated commitment to a high level of artistic achievement
2. Volunteer management with volunteer artistic personnel
  - a. Volunteer management
  - b. Volunteer artistic personnel
  - c. Presenting or planning a regularly scheduled series of performances and/or exhibitions and/or a single, planned cultural event.
  - d. Demonstrated commitment to outreach programs and/or community involvement
  - e. Demonstrated commitment to a high level of artistic achievement
3. Cultural/Arts Service Organizations
  - a. Provide a full year of services, information and technical assistance
  - b. Full-time paid professional staff
  - c. Demonstrated record of providing service to the field
  - d. Demonstrated record of sound financial management
  - e. Demonstrated public outreach and community involvement

#### 4. Educational Institutions

- a. Elementary and secondary schools
- b. Colleges and universities
- c. Non-profit organizations providing arts education

#### 5. Government Agencies

6. Other non-profit organizations with an arts, historical or humanities component in their program:
7. Unincorporated groups (organizations without non-profit status) or individual artists in all disciplines applying under an **Umbrella** organization.

**CATEGORY II UMBRELLA PROJECTS** - Any organization or entity of government eligible for DAC and/or TCA funding may act on behalf of an organization **not** designated as a 501(c)(3) or equivalent tax-exempt institution or on behalf of an individual interested in applying for project support.

**Umbrella organization** = nonprofit organization or entity of government  
**Umbrella'd entity** = individual or unincorporated group

- The umbrella organization does **not** have to be an arts organization
- Serving as an umbrella does **not** affect an organization's funding or eligibility. Funds awarded to an organization are completely separate from funds awarded to an umbrella'd individual or unincorporated group.
- Although the umbrella'd entity generally completes and submits the application, **the umbrella organization is the official applicant**. The umbrella organization is responsible for compliance with all application and reporting requirements and financial commitments of the funded project.
- The agreement between the umbrella organization and the umbrella'd entity requires the following, which **must** be submitted with the application for Project Support.
  - \* 1. A written contract between the umbrella organization and the umbrella'd entity. Sample umbrella contracts are available in the DAC office.
  - 2. The umbrella organization **must** agree to administer or supervise the project, and accept responsibility for all fiscal and contractual obligations relating to the project.
  - 3. An official of the umbrella organization **must** sign the application
  - 4. The board of the umbrella organization **must** also approve the agreement

## B. CATEGORY II - FUNDING LIMITS AND MATCHING FUNDS REQUIREMENTS

**Category II** Applicants **must** provide a minimum **1:1 CASH MATCH**. In-kind donations do **NOT** qualify as part of the match.

\* **Category II applicants may request a maximum of \$15,000 from DAC and \$15,000 from TCA (\$30,000 total).** To request the maximum total of \$30,000, an organization **must** have a total cash match of \$30,000.

1. **Note:** For the **DAC portion only:** Educational Institutions are allowed to provide a **maximum** of 20% of staff salary costs, (time release, or salaries and wages) as part of the cash match for the project. The remaining 80% of the project costs **must** come from **other sources**.

**Example:** an organization may match 20% of a \$1,000 award with staff salaries (\$200.00). The remaining 80% **must** come from other sources (\$800.00).

2. The TCA **does not** allow staff time release, salaries or wages as cash match. Therefore, 100% of the match **must** come from other sources.
- \* 3. Educational Institutions may **only** submit one (1) project per department/division. The project may be submitted for DAC or TCA funds or both.

## C. CATEGORY II - APPLICATION AND REQUIRED ATTACHMENTS

Applications **must** be complete, typed and legible or they will not be accepted. Submit one (1) original and two (2) copies.

- **Internal Revenue Service Letter of Determination** of 501(c)(3) non-profit status, or equivalent. (Not applicable to entities of government.)
- \* • Copy of your “**Assumed Business or Professional Name**” Certificate, if applicable, or your State of Texas Office of the Secretary of State, “**Certificate of Incorporation.**”
- \* • Copy of your “**Charitable Solicitation Permit**” if applicable
- **Current list of Staff and Board of Directors** with mailing addresses
- Submit one (1) original and two (2) copies of the “**Accessibility Attachment**” packet as required by the City of El Paso, Office of Accessibility, Community and Human Development Department:

### Packet Includes:

1. **Site List**
  2. **A Letter of Assurance**
  3. **Self-Evaluation form for each site**
  4. **Transition Plan (if applicable)**
- **Project Budget Detail** - On a separate attachment (there is no form for this item),

income and expenses amounts **must** be itemized line-by-line.

- **Optional Attachments** may include letters of support, press clippings, print materials or other information that may enhance your application.

### **\*\*\*REQUIREMENTS FOR CATEGORIES I AND II \*\*\***

**NOTE:** *APPLICATION AMENDMENT/REVISED BUDGET, FINAL REPORT, and PAYMENTS sections have been combined for both Category I and Category II. The information is the same for both.*

## **IX APPLICATION AMENDMENT/REVISED BUDGET**

- \* After notification of funding, applicants **must** submit an “Application Amendment/Revised Budget,” which becomes part of the binding contract between the City of El Paso, Department of Arts and Culture and the applicant organization.

**Note:** Whereas the original application is based on the full amount requested, the “Application Amendment/Revised Budget” details any modifications necessitated by the actual amount of funding awarded. Projects **may not** be altered radically (such as cutting the project in half) but modifications may include adjustments (such as renting fewer costumes, or hiring fewer musicians). Projects **must** conform to the original intent of the application, including project dates and locations.

## **X FINAL REPORT**

**DEADLINE:** Grant recipients **must** submit a “Final Report” (one (1) original and two (2) copies) within **30 days after the completion of the project or Sept. 15**, whichever comes **first**. “Final Reports” **must** be original, complete, typed and legible or they will not be accepted.

### **Requirements:**

- Submit a completed “DAC Final Report” **and** the “Summary for Matrix.”
- Include all **receipts** that document actual expenditures for the (i) **total award** of DAC and TCA funds, **AND** (ii) the **cash match requirement**, as identified in the “Applicant’s Revised Budget.”
- \* • Receipts submitted should be easily identified as project expenditures. Receipts may include:
  1. Photocopies of: actual checks
  2. Photocopies of canceled checks
  3. Photocopies of check stubs with check numbers
  4. A list that includes: name of person/vendor, date, check number, purpose and signature of person receiving payment.

5. Any similar document (such as computer printout, bank statement, etc.) that clearly identifies “who, what, where, when, why” that can be tied to a check number.
- \* • Attachments - one complete set that includes one copy of each poster, program press release and flyer relating to the project with a proper **credit line** (see XV Contractual Obligations, B. 1.). The credit line should be **prominent, readable and equitable** in size to other supporter/sponsor acknowledgments. A sampling of publicity, including press releases, public service announcements, print ads and articles should also be included.
  - Other supporting documentation related to the project is optional.

**Note: The City of El Paso and the Texas Commission on the Arts reserve the right to audit all funding recipients.**

## **XI PAYMENTS**

**Payment** - Funds are disbursed according to the general procedures of the City Purchasing, Legal and Comptroller Departments. **DAC does not award grants**, per se, rather the DAC enters into **Contracts** based on the merit of the artistic and cultural services applicants deliver to the El Paso public in exchange for funding. The payment schedule is as follows:

- Funds are disbursed in one payment (100%) upon **completion of the project and acceptable completion** and submission of the “Final Report.”
- Payments **may** be made in two installments of 50% each, upon the submission of a completed “**Mid Year Report**” and the corresponding **receipts** for 50% of the organization’s cash match and 50% of the amount awarded from DAC/TCA.

## **XII TIMETABLE (Step by Step)**

The following is an overview of the application process.

- \* **A. Workshops** - Applicants attend a DAC Funding Workshop (held between September and October), or an individual consultation with DAC staff to review the application guidelines and forms. **This is mandatory for all first-time applicants**, and organizations that have new staff/volunteers preparing the grant requests and reports.
- B. Application Draft Review** - After the workshops and before the application deadline, DAC staff are available, by appointment, to review application drafts.
- C. Applications Due** - Applicants submit the completed **original** application and two (2) copies, with **all** required signatures **IN BLUE INK**, **all** attachments **and** the Accessibility



attachment forms, to the DAC office. **DEADLINE is 5:00 p.m., November 1<sup>st</sup>. No Exceptions.**

- \* **D. Accessibility Review** - Applicants submit one (1) original and two (2) copies of the required documents to the DAC office, **by the application deadline**. In order to be considered for funding organizations **must** be in compliance or in conditional compliance with the City's Accessibility Ordinance #9779.
- E. Applications Reviewed** - DAC staff review applications, check math and verify information as needed.
- F. Applications to Board** - DAC staff distributes sets of all applications to the DAC Advisory Board. The Board reviews each application and may peruse all files with special attention to the ones assigned to them. The original application and attachments remain on file in the DAC office for the Board to review.
- \* **G Meeting to Rate Applications** - The DAC Advisory Board meets, at a regular open meeting, to determine eligibility for funding and to rate all applications. *Applicants may not interact with the Board members while they are completing their ratings.*
- \* **NOTE: Board members may attend funded events in order to evaluate projects. Evaluation forms are placed in the organization's file.**
- H. Scores Tabulated** - DAC staff tabulates the final rating score for each application.
- I. Notification of Rating Score and Eligibility** - Applicants are notified of their score, by letter, and receive a copy of the DAC Advisory Board's transcribed comments regarding their application.
- J. Notification of Funding** - In September, all eligible applicants are notified, by letter, of the **total** amount of funding that they will receive. The amount of funding is determined by the City budget, as approved by Council, and the TCA's State funds awarded. The final amount allocated is determined by applying the "Funding Formula," (see section XVII). The "Funding Formula" is an equitable procedure for the distribution of available funds among eligible applicants.
- K. Application Amendment (includes Revised Budget)** - After notification of funding, applicants prepare and submit an "Application Amendment" which includes the "Revised Budget." The "Application Amendment" becomes part of the **binding contract** as "Attachment A."
- L. Contracts** - Execution of Contracts entails several steps:
  - 1. Contracts are prepared for all applicants funded
  - 2. The applicant's Executive/Project Director and Board Chair meet, by appointment, with DAC staff in the DAC offices to review and sign the Contract.
  - 3. The signed Contracts are placed on the City Council agenda for a vote for Council to approve.

- M. After approval by City Council, the Mayor signs the Contracts, which are then mailed to each Contractor.
- N. **Changes** - Once the Contract is signed, **it is the obligation of the organization to inform DAC immediately** of any deviations from the final application as amended by "Attachment A" to the Contract. The organization **must** provide a **letter describing any significant changes**.
- O. **Final Reports** - Due **30 days** after the completion of the project **or** by **September 15**, whichever comes first, for both Category I and Category II applicants.
- P. **Payment** - Funds are disbursed according to the general procedures of the City Purchasing, Legal and Comptroller Departments. **DAC does not award grants**, per se, rather the DAC enters into **Contracts** based on the merit of the artistic and cultural services applicants deliver to the El Paso public, in exchange for funding. **Funds are usually disbursed in one payment (100%) upon completion of the project and acceptable completion of the "Final Report."**

**Note:** Category I and II payments **may** be made in two installments (50% each), upon submission of a "Mid Year Report," and the corresponding receipts and cash match receipts in the amount of 50% of the grant awarded.

### **XIII APPLICATION REVIEW, CRITERIA AND SCORING**

#### **A. Procedure for review, rating and determining final score of applications -**

1. **The DAC Advisory Board rates applications** using the written criteria and point system as outlined in this section.

Points:

- The maximum number of points per application is 100.
  - Ratings below 70 require written explanation by the reviewer.
2. **Conflict of Interest Policy** - Board members may not serve as Officers or Board Members of organizations that are receiving DAC City funding. Board members must disclose in writing any potential conflict of interest, including political, financial, and/or professional affiliations. In the case of a declared conflict of interest Board members are required to abstain from the review process, neither rating nor commenting on the application involved.
  3. **Final Score** - After the Advisory Board completes their ratings, the DAC staff confirms the math, eliminates the highest and lowest ratings and averages the remaining ratings to arrive at the application's **final score**. The **minimum score** to be eligible for funding is **70**. The final score is later entered into the "Funding Formula" to determine the amount of funding each applicant will receive.

- B. **Criteria** - The criteria for review and rating of all applications corresponds to the narrative portion of the application form. For umbrella'd project's, the criteria are applied to the specific project **not** the umbrella organization.

### **Artistic Merit: 1 - 40 points**

1. Will the project promote artistic excellence, support outstanding artists, and/or preserve an art form?
2. Rate the project director's relevant qualifications.
3. Rate the organization's record for creation and/or presentation of meritorious artistic programming.

### **Service to General Community and Artists: 1 - 20 points**

1. Was the project developed in response to the community and does it include a strategy for reaching the target audience?
2. Will the project meet a need not otherwise being met and/or respond to a particular cultural heritage?
3. Will the project offer employment opportunities for artists and technical assistance to the community?

### **Accessibility, Outreach and Diversity: 1 - 20 points**

1. Will the project be accessible to all audiences and/or participants?
2. Does the project include effective community outreach?
3. Does the project address the diversity of the community?

### **Administrative and Financial Capability: 1 - 20 points**

1. Rate the organization's record of successfully completed projects, including personnel (paid and unpaid) qualifications and community support.
- \* 2. Does the project have solid funding support from other sources?
- \* 3. Evaluate the funding plan for current and future operations and/or continuation of the project.

## **XIV DAC STAFF RATING**

The DAC staff rating, based on review of the "Final Report" and related information, becomes part of the organization's permanent file. The staff rating is: **A, B or C** based on the following criteria:

- "A"** Project was completed as described in "Application Amendments/Revised Budget."
- Exceeded matching funds projections
  - Submitted "Final Report" by due date
  - \* • Receipts were clear and easily identified to DAC, TCA and the organizations match.
  - Submitted exceptional supporting documentation
  - Exceeded requirements for credit to City and/or TCA (**prominent and equitable**)
- "B"** Completed project as described in "Application Amendment/Revised Budget."
- Met matching funds requirements
  - Submitted "Final Report" by due date
  - \* • Receipts were adequate

- Submitted required supporting documentation
  - Met requirements for credit to DAC and/or TCA (**prominent** and **equitable**)
- “C”** Did not complete project as described in “Application Amendment/Revised Budget.”
- Did not meet matching funds requirements
  - Submitted “Final Report” more than ten (10) days past due date
  - \* • Receipts were unclear and difficult to match to expenditures
  - Did not submit required supporting documentation
  - Did not meet requirements for credit to City and/or TCA (**prominent** and **equitable**)

## **XV CONTRACTUAL OBLIGATIONS**

- A.** Contractors **must** comply with all requirements set forth within the contract between the Contractor and the City of El Paso. Failure to comply may result in legal action by the City including, but not limited, to termination of the contract. Non-compliance with the contract requirements may also result in forfeiture of current funding and render the Contractor ineligible for future funding.
- B.** The following requirements apply to all projects or seasons funded through DAC for the period of the contract.
- 1. Credit to DAC and TCA** - Contractors must acknowledge funding received from the City of El Paso, Department of Arts and Culture and the Texas Commission on the Arts with the following credit line. The credit line should be **prominent, readable** and **equitable** in size to other supporter/sponsor acknowledgments.

### **CREDIT LINE**

**“WITH THE SUPPORT OF THE CITY OF EL PASO, DEPARTMENT OF ARTS AND CULTURE AND THE TEXAS COMMISSION ON THE ARTS”**

#### **Credit line criteria:**

- \* **a.** Wording must be **exactly** as specified. The DAC logo may **not** be used, alone or with the credit line. **Do not** use the term “Sponsored by...” This is reserved for those events that the DAC itself coordinates and funds. However, the TCA logo may be used on any printed materials.
- b.** Location must be **prominent and easily readable** in relation to the size of the document. For example: Type size on posters should be significantly larger than that used on flyers and should be **equitable and not diminished in size** in relation to the document or other supporter/sponsor acknowledgments.
- c. ALL printed programs, season brochures, posters, and flyers** for the project or season funded must carry the credit line. Any additional printed credit is optional.

- d. **Public art works**, such as murals and outdoor sculpture must carry the credit line as part of the work or as part of a permanent plaque or sign to be affixed to the artwork.
  - e. The credit line **shall** also be included in printed invitations for the project or season funded.
  - f. **Visual arts projects** must also include the credit line in invitations for all related events.
  - g. **Performances and presentations with no printed program** must include verbal credit in the form of an announcement prior to each performance or presentation.
2. **Project Changes - Any** deviation from the project as described in the original application and the “Application Amendment/Revised Budget” requires notice ***prior to the commencement of the project***. It is the obligation of the Contractor to submit a letter to the DAC if significant changes are to be made to the project. Deviations, including but not limited to changes of date or location, budgetary changes, or finalizing of information which was undetermined at the time of application, are subject to review by the DAC Director and/or Advisory Board. Changes of location also require prior review by the City’s Community and Human Development Department, Accessibility Specialist. “Emergencies” will be considered on a case-by-case basis.
3. **Information for DAC Board Members and Staff** - Organizations are required to provide timely information (flyers, brochures, newsletters) for events. Organizations are required to obtain an updated Board and staff list from DAC.

**Note: Board members attend funded events in order to evaluate projects. Written evaluation forms are placed in the organization’s file.**

## **XVI APPEALS**

- A. **Basis for Appeal** - an applicant, who has received **an ineligible final score of below 70** and, therefore, has been denied funding, may appeal the score in accordance with the appeals procedures set forth below. An applicant who files an appeal shall have the burden of proving that:
- 1. The DAC Advisory Board failed to follow published criteria and/or review procedures in rating the application.
  - 2. The DAC Advisory Board acted in an unfair manner; or
  - 3. The DAC Advisory Board’s decision was based on insufficient information through no fault of the applicant.
- B. **Appeals Process** - The timetable for appeals is as follows:
- 1. All appeals **must** be submitted **in writing** to the Director of the DAC, within **five (5) days** of the notification of ineligibility that prompted the appeal.

2. The Director of the DAC places the appeal on the agenda for the next regularly scheduled meeting of the DAC Advisory Board. The applicant is notified of the date, time and location of the meeting.
3. At the meeting, during consideration of the appeal, the applicant has **five (5) minutes** to present their argument.
4. The DAC Advisory Board renders its decision on the appeal.
5. To appeal the DAC Advisory Board's decision, the applicant may appeal to the Mayor and City Council. **Written** notice of intent to appeal to City Council **must** be submitted to the Director of the DAC within **five (5) days** of the DAC Advisory Board's decision.
6. The Director of the DAC places the appeal on the agenda for the next regularly scheduled meeting of City Council. The applicant is notified of the date, time and location of the meeting.
7. The appeal is addressed by City Council.
8. **All decisions by City Council are final.**
9. Applicants who appeal successfully receive a **maximum** rating of **70 points** on their application

## **XVII FUNDING FORMULA**

The DAC's funding formula is a procedure for the **equitable** distribution of available funds among eligible applicants. The formula involves **three stages**: **1.** Allocation of the main portion of the funds (basic award). **2.** Allocation of the discretionary pool. **3.** The addition of the two allocations to equal the final award.

### ***\* EXAMPLES: (For DAC's allotment of Funds)***

**A. Main Allocation of Funds** - This stage determines each applicant's **basic award**. Calculating this percentage (accurate to two decimal places) is the first step of the formula.

#### **1. Determine Available Funds:**

**DAC Funding Program** - The exact amount of money allocated to the DAC in the "approved" City budget is a percentage of the amount initially requested by DAC. (The amount initially requested is the total amount requested by all eligible applicants.)

Example:

Total requested by eligible applicants	=	\$300,000
Total requested by DAC from City Budget	=	\$300,000
<b>Total received by DAC from "approved" City Budget</b>	<b>=</b>	<b>\$150,000</b>

\$150,000 is **50%** of \$300,000

#### **2. Determine Percentage of Funding Received:**

Each applicant's request for funding is then multiplied by this percentage to determine a ceiling allocation (maximum) per applicant.

Example:

Organization A's Direct Funding request for

\$10,000 x **50%** = DAC \$5,000 (maximum)

#### **3. Determine Basic Award:**

Each applicant's ceiling allocation is then multiplied by the applicant's final score preceded by a decimal, that is, converted to a percentage (see CRITERIA AND SCORING A. 3) to determine the basic award.

Example:

Organization A's Maximum of	
\$5,000 x final score of .95	=
<b>Total Basic Award DAC</b>	<b>\$4,750 basic award DAC</b>
	<b>\$4,750</b>

**B. Allocation of Discretionary Pool** - The first stage of the funding formula automatically creates a discretionary pool that is distributed among the applicants with a final score of 90 or above.

1. The total of all basic awards is subtracted from total funds available to determine the discretionary pool.

Example:

Total funds available	=	\$150,000
Total of all basic awards	=	<u>\$140,000</u>
<b>Discretionary pool</b>	=	<b>\$ 10,000</b>

2. All scores of 90 or above are totaled, and then each of those scores is divided by the total to determine the percentage of the discretionary pool each applicant will receive.

Example:

Organization A's final score	=	95
Organization B's final score	=	+96
Organization C's final score	=	+97
Organization D's final score	=	+98
Organization E's final score	=	<u>+99</u>
		485

Organization A's score of 95 divided by 485 = 19.59%

3. The percentage for each applicant is then multiplied by the amount of the discretionary pool to determine each applicant's share of the pool.

Example:

Organization A's 19.59% x \$10,000 = \$1,959

**C. The Final Award** is determined by adding the basic award to the discretionary pool allocation. No application will be awarded more than the original request.

Example:

Organization A's total basic DAC award=	\$4,750
A's share of discretionary pool	= <u>\$1,959</u>
<b>Organization A's final award</b>	= <b>\$6,709</b>

**Note: The same formula is applied to determine the TCA portion of funding**



## **CHECKLIST FOR CATEGORY I AND II SUPPORT**

**Please read the current Direct Funding Guidelines BEFORE completing the grant application. Applications MUST be complete, original signed, TYPED and legible or they will not be accepted.**

**Package should include:**

- ☐ Original Application and two (2) copies, signed in BLUE INK.
- ☐ Required Attachments:
  - ☐ Copy of Internal Revenue Service Letter of Determination of 501(c)(3) or equivalent non-profit status. (Not applicable to entities of government.)
  - ☐ Copy of Assumed Name Certificate or State of Texas Certificate of Incorporation if applicable.
  - ☐ Copy of Charitable Solicitation Permit if applicable.
  - ☐ Current list of staff and board of directors with mailing addresses
  - ☐ One (1) original and two (2) copies of the "Accessibility Attachment" Packet
    - ☐ Site List
    - ☐ Letter of Assurance
    - ☐ Self- Evaluation Form
    - ☐ Transition Plan (if applicable)
- ☐ Project Budget details
- ☐ Optional attachments (press clippings, print materials, etc.)

### **CATEGORY I APPLICANTS ONLY**

- ☐ 12-month plan of organizational activity
- ☐ Three-year detail income and three-year detail expense statements
- ☐ Independent audit and/or detailed financial statement for the most recently completed Fiscal Year, approved by your Board Chair.